

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
)	
The Establishment of Policies and)	IB Docket No. 01-96
Service Rules for the Non-Geostationary)	
Satellite Orbit, Fixed Satellite Service in the)	
Ku-Band)	

REPLY COMMENTS OF LOCKHEED MARTIN CORPORATION

Lockheed Martin Corporation (LMC) hereby provides the following reply comments to the Commission's Notice of Proposed Rule Making (NPRM) in the above-captioned proceeding.¹ In its NPRM, the Commission proposed to defer mandating an aggregate EPFD_{DOWN} demonstration by NGSO FSS systems.² In its Comments³, LMC urged the Commission not to defer consideration of the aggregate EPFD_{DOWN} demonstration, but to incorporate it into the FCC procedures at the same time that the Commission considers proposed service rules and spectrum sharing options. LMC also sought clarification from the Commission that the aggregate limit test need only be applied when the fourth and subsequent NGSO systems are considered.

After reviewing all of the comments received by the Commission in this proceeding, LMC reiterates its position that the Commission should not defer consideration of the aggregate EPFD_{DOWN} demonstration, but should ensure that the requirement for this demonstration is incorporated into any license granted for an NGSO system.

¹ *Establishment of Policies and Service Rules for the Non-Geostationary Satellite Orbit, Fixed Satellite Service in the Ku-Band, FCC 01-134, IB Docket No. 01-96 (released May 3, 2001) ("NPRM").*

² *NPRM FCC 01-134 ¶ 60.*

³ *Lockheed Martin Corporation Comments on NPRM FCC 01-134 (filed July 6, 2001).*

Discussion

Several of the commenting parties in this proceeding supported the inclusion of the requirement for a demonstration of compliance with the aggregate EPFD_{DOWN} limits as part of the current NPRM. In general, the comments on this element of the NPRM seemed to reflect whether a party is a proponent of NGSO systems or has interest in a system(s) that might be affected by interference from NGSO systems if compliance with the aggregate EPFD_{DOWN} limits is not ensured. LMC, while recognizing that the relevant ITU-R Recommendation is still in development (though relatively mature), nonetheless urges the Commission to use the methodology outlined in this Preliminary Draft New Recommendation (PDNR)⁴ as the baseline for compliance demonstration with EPFD_{DOWN} limits. This methodology was developed with the cooperation and participation of the vast majority of interested parties to this proceeding and represents a compromise among the NGSO systems and the other satellite systems that are potentially affected by interference from the NGSO systems.

Some of the commenters asserted that the Commission should wait for the PDNR to become an approved ITU-R Recommendation before requiring NGSO systems to comply with its provisions. The methodology in the PDNR, however, has been developed in U.S. preparations for Working Party 4A through the cooperative efforts of the interested parties in the U.S. and represents a consensus approach to calculating aggregate EPFD_{DOWN} limits. Thus, it seems more prudent for the Commission simply to adopt the current methodology, rather than delay the licensing of the NGSO systems while waiting for ultimate approval of the ITU Recommendation. Since the ITU is a consensus-based organization, the timeline for final action on the Recommendation is unpredictable. If upon final approval the methodology has changed significantly, the Commission can revisit the compliance demonstration requirement, as appropriate. Finally, the deferral of the compliance demonstration would have the dual undesirable consequences of perpetuating regulatory uncertainty for the NGSO FSS systems and of denying assurance of interference protection to GSO FSS and BSS systems.

⁴ *Working Party 4A Document 4A. Temp. 116, "PNDR on Methodologies for Calculating Aggregate EPFD_{DOWN} Limits Produced by Multiple NGSO FSS Systems into a GSO Network."*

Conclusion:

For the reasons set forth above and in its original comments, LMC urges the Commission to require from all seven pending applicants a demonstration of compliance with the aggregate EPFD_{DOWN} limits, using the ITU-R methodology adopted as a PDNR by Working Party 4A.

Respectfully submitted,

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August 6, 2001